68TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1187

VALIDATING PUBLIC-LAND ENTRIES

JANUARY 14, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. SMITH, from the Committee on the Public Lands, submitted the following

REPORT

[To accompany S. 2975]

The Committee on the Public Lands, to whom was referred S. 2975, validating certain applications for and entries of public lands, and for other purposes, having considered the same, report it to the House with the recommendation that it do pass with the following amendments:

1. Add the following paragraphs to the end of section 1, page 3:

Homestead entry, Bismarck, North Dakota, numbered 019975, made by Thomas J. Fox on August 15, 1918, for lot 4 of section 6, township 148 north, range 83 west, fifth principal meridian, and lot 1 of section 1, township 148 north, range 84 west, fifth principal meridian.

Homestead entries, Helena, Montana, numbered 020678 and 021942, made by Charles A. Krenich, for the southeast quarter of the northwest quarter, southwest quarter of the northeast quarter, north half of the southeast quarter, and southeast quarter of the southeast quarter, section 30, township 18 north, range 6 west, Montana principal meridian.

Homestead entry, Glasgow, Montana, numbered 051366, made by Karl T. Larson on September 21, 1917, for lot 8 of section 29, lots 5 and 6 of section 28, and lot 2 of section 33, township 28 north, range 53 east, Montana principal meridian, such patent to be issued to the heirs of Karl T. Larson, deceased.

2. Add the following sections after section 9, page 7:

SEC. 10. That Richard Walsh, to whom patent issued on July 10, 1922, for a farm unit under the Klamath irrigation project, be permitted to reconvey the land to the United States and to make entry for a farm unit in another division of the project, the amount of the construction charge already paid by said Walsh to be transferred to the new entry.

SEC. 11. That the Secretary of the Interior is hereby authorized to grant to the Chicago, Milwaukee and St. Paul Railway Company under the act of March 3, 1875 (Eighteenth Statutes at Large, page 482), a right of way for its constructed road across the abandoned post, Discovery Bay Military Reservation.

SEC. 12. That existing entries allowed prior to April 1, 1924, under the stock-raising homestead act of December 29, 1916 (Thirty-ninth Statutes at Large, page 862), for land withdrawn as valuable for oil or gas, but not otherwise reserved

or withdrawn, are hereby validated, if otherwise regular: *Provided*, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field.

SEC. 13. That the Central Pacific Railway Company, upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to lot 1 of section 1, township 16 north, range 22 east, Mount Diablo meridian, in the Carson City, Nevada, land district, under its primary selection list numbered 10, embracing said tract, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral public lands of a equal area situate within any State into which the company's grant extends; and further, that upon the filing of such relinquishment by said railway company, the selection of the tract so relinquished by the State of Nevada in the approved list numbered 13 be, and the same is hereby, validated.

The amendments above referred to have been made upon the recommendation of the Secretary of the Interior, and letters addressed to the chairman of the Committee on the Public Lands of the House of Representatives, dated December 5, 1924, and January 13, 1925, hereto attached.

There is also attached hereto and made a part of this report Senate Report 393, which contains the recommendations made by the Secretary of the Interior on the bill under consideration as it passed the Senate.

DEPARTMENT OF THE INTERIOR,
Washington, December 5, 1924.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: By letter of February 16, 1924, the department transmitted draft of a proposed bill to validate certain applications for and entries of public lands which were thought entitled to remedial legislation (H. R. 7095). A similar communication was on that date addressed to the Senate Committee on Public Lands and Surveys, also inclosing draft of such proposed bill (S. 2975). The latter bill was thereafter favorably reported to and passed by the Senate on May 14, 1924, and, as I am advised, is at present pending for the consideration of your committee. Two claims are embraced in the Senate bill that do not appear in the House bill as introduced, and in view of its legislative status I have the honor to recommend that S. 2975 receive the favorable consideration of your committee and of the House, and that the following paragraphs be added at the end of section 1 thereof (p. 3):

"Homestead entry, Bismarck, North Dakota, numbered 019975, made by Thomas J. Fox on August 15, 1918, for lot 4 of section 6, township 148 north, range 83 west, fifth principal meridian, and lot 1 of section 1, township 148 north, range 84 west, fifth principal meridian.

"Homestead entries, Helena, Montana, numbered 020678 and 021942, made by Charles A. Kranich, for the southeast quarter of the northwest quarter, southwest quarter of the northeast quarter, north half of the southeast quarter, and southeast quarter of the southeast quarter, section 30, township 18 north, range 6 west, Montana principal meridian.

"Homestead entry, Glasgow, Montana, numbered 051366, made by Karl T. Larson on September 21, 1917, for lot 8 of section 29, lots 5 and 6 of section 28 and lot 2 of section 33, township 28 north, range 53 east, Montana principal meridian, such patent to be issued to the heirs of Karl T. Larson, deceased."

And that the following sections be added on page 7 of S. 2975:

"SEC. 10. That Richard Walsh, to whom patent issued on July 10, 1922, for a farm unit under the Klamath irrigation project, be permitted to reconvey the land to the United States and to make entry for a farm unit in another division of the project, the amount of the construction charge already paid by said Walsh to be transferred to the new entry.

"SEC. 11. That the Secretary of the Interior is hereby authorized to grant to the Chicago, Milwaukee and St. Paul Railway Company under the act of March 3, 1875 (Eighteenth Statutes at Large, page 482), a right of way for its constructed road across the abandoned Post Discovery Bay Military Reservation.

"SEC. 12. That existing entries allowed prior to April 1, 1924, under the stock-raising homestead act of December 29, 1916 (Thirty-ninth Statutes at Large, page 862), for land withdrawn as valuable for oil or gas, but not otherwise reserved or withdrawn, are hereby validated, if otherwise regular: *Provided*, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field."

The material facts which induce these recommendations are in substance as follows: Thomas J. Fox made homestead entry on August 15, 1918, for 40.49 acres of land within an area which had been withdrawn for coal classification. He submitted commutation proof on April 19, 1921, and the local officers issued final cash certificate. The Commissioner of the General Land Office rejected the commutation proof and held the cash certificate for cancellation because the act of June 22, 1910 (36 Stat. 583), provides that homestead entries made for the surface of coal land can not be commuted so long as the land is withdrawn or classified as coal. Entryman mortgaged the land after the issuance of the final cash certificate and left for parts unknown. The proof can not be accepted as final three-year proof, the residence on the land being approximately three months less than three years. In view of the fact that the mortgagees relied on the action of the local officers in accepting the commutation proof, it is believed the case is one warranting legislative authority for acceptance of the proof as submitted and the issuance of patent thereon.

January 25, 1921, Charles A. Kranich, made entry under the provisions of the enlarged homestead act embracing 160 acres, and on March 11, 1921, made an additional entry under the provisions of section 3 of that act, embracing 40 acres, all in the Helena (Mont.) land district. It appears that the entire area was duly designated under the provisions of that act, and that claimant submitted final proof in support of the entries, on June 13, 1924. This proof disclosed that claimant established residence on the land in October, 1920, and continued residence thereon for one month; that the house erected on the land by him that year was blown down, but that he built another in 1921, during which year he maintained actual residence on the land for a period of eight months, but that in the spring of 1922, before his five months' period of leave had expired and before he had returned to the land, he suffered a stroke of paralysis, as result of which he has since been entirely helpless. He is a single man and is taken care of by his sister living in Helena, Mont. Having lost the use of his lower limbs he is confined to bed and to a wheel chair, and is now advised by his physician that he can not expect to recover or that he will ever be able to return to his homestead. The proof further discloses that about 20 acres of the land are cultivable, which area is in cultivation and that the remainder of the land has been grazed, the entryman having allowed th land to be so grazed in return for the annual cultivation. The improvements consist of a substantial log house 12 by 16 feet in size; 2 miles of four-wire fence. Material for a frame barn is also on the land, but claimant's illness has prevented building. The value of these improvements is estimated at $1,000. By decision of September 22, 1924, the Commissioner of the General Land Office upon consideration of the proof, found the showing as to cultivation and improvements sufficient, but held that the compliance as to residence did not meet the requirements of the three-year homestead law, and that as his office was without authority to waive the express requirement of the statute, held the proof for rejection. In view of the evident good faith of this entryman as disclosed by the record, and considering the facts recited above, it is believed the case is one warranting legislative relief authorizing the acceptance of proof and the issuance of patent thereon, and it is accordingly so recommended.

September 21, 1917, Karl T. Larson made homestead entry under the original provisions of the homestead law for a tract of land embracing 155.84 acres in the Glasgow (Mont.) land district. January 30, 1923, Lars Larson, father of the entrymen, who it appears died December 17, 1918, offered final proof in support of the entry as one of the heirs and for the heirs of the deceased entryman. Upon consideration of this proof the Commissioner of the General Land Office, by decision of July 15, 1924, found that the showing as to improvement and cultivation of the land was satisfactory, but held said proof for rejection and the entry for cancellation because of the fact that the claimant had failed to establish and maintain residence thereon prior to his death. In support of the appeal from that decision Lars Larson alleges that early in the spring of 1918 his son erected a substantial log house on the land, but that in April thereafter the Missouri River overflowed the tract and washed the house away; that owing to the fact that this happened shortly after its erection claimant had not established actual residence therein but was living with his father on an adjoining tract;

that in June of that year his son was drafted for service in the World War and was directed to hold himself in readiness subject to call; that because of this fact he did not build another house upon the land which he might have to abandon partly completed; that later during that month the wife of his son was drowned in the Missouri River, and that, as shown by the proof in December following, the entryman himself died.

The father further alleges that in the belief that he could complete title to the entry for the heirs by improvement and cultivation, he began clearing the land in the spring of 1919, which entailed a great deal of labor and considerable expense because of the heavy undergrowth and roots, the cost being estimated at over $50 per acre; and that he now has cleared and in cultivation 37½ acres of the tract, and that, acting upon advice given him, also built a substantial log house upon the land and erected 1½ miles of wire fencing thereon. With the record is a report of a special agent of the General Land Office to the effect that he investigated this entry and found a good habitable house thereon and a substantial area in cultivation; that it was upon his advice previously given that the father erected this house, and that in view of the character of cultivation and improvements made on behalf of the heirs he recommended that the claim be passed to patent. While the decision of the commissioner is warranted under the law, yet in view of the equitable features of the case as above disclosed and the entire absence of bad faith, it is believed the case is one warranting legislative relief and it is accordingly so recommended.

At the Lakeview (Oreg.) land office on April 26, 1917, Richard Walsh made homestead entry for farm unit A (or lots 3 and 5 and SE. ¼ NE. ¼), sec. 22, T. 41 S., R. 12 E., W. M. (67.45 acres), a part of the Tule Lake division of the Klamath irrigation project, Oregon-California, paying the first installment of the construction charge, amounting to $150.08. The Commissioner of Reclamation has reported that during the first year or two Walsh plowed substantially the entire area, sowing it to barley and oats with unsatisfactory results, and he has industriously cultivated the farm every year since, but on account of the clay soil and also because of seepage, the results of cultivation have been unsatisfactory, and the entryman was forced to devote most of his land to pasture. On account of seepage, all water-right charges on the unit were temporarily suspended on November 8, 1918. On March 2, 1922, in view of the unfavorable conditions existing on the unit, the department approved the recommendation of the Bureau of Reclamation that the regulations be deemed to have been complied with by the entryman, and patent issued July 10, 1922. A soil survey made in 1923 classified the patented tract as nonirrigable. The entryman has expended years of labor and much money in improving a tract which has been demonstrated to be nonirrigable, and it is recommended that he be allowed to reconvey the tract to the United States, provided he show good title, and that the construction charge paid by him be transferred to farm unit H (or lot 3), sec. 21, T. 48 N., R. 4 E., M. D. M., a part of the same irrigation project.

By the act of August 24, 1912 (37 Stat. 492), the Seattle, Port Angeles & Lake Crescent Railway was empowered to survey and locate a railway, telegraph, and telephone line through the Port Discovery Bay Military Reservation across sec. 1, T. 29 N., R. 2 W., Willamette meridian, and across secs. 35 and 36, T. 30 N., R. 2 W., Willamette meridian, "and is hereby granted a revocable license to maintain the same, said license to remain in force during the pleasure of Congress." The section of the road was built and is now being maintained and operated by the Chicago, Milwaukee & St. Paul Railway Co., as successor to the grantee company. By Executive order of August 13, 1923, said reservation was transferred to the Department of the Interior for disposition under the provisions of the act of July 5, 1884 (23 Stat. 103). The revocable license under which the road was maintained provided for the payment of a rental of $25 per year, and the license was renewed by the Secretary of War for a period of five years from June 12, 1923. The rent has been paid up to June 11, 1924. The act of July 5, 1884, supra, restricts the disposition which can be made of land in an abandoned military reservation, and the Department of the Interior is not therein authorized to grant rights of way to railroads affecting such land. The railroad having been constructed and maintained, it is recommended that authority be given to grant to the railroad a right of way under the act of March 3, 1875 (18 Stat. 482).

There are pending before the department approximately 50 entries under the stock-raising homestead act of December 29, 1916 (39 Stat. 862), embracing land withdrawn as prospectively valuable for oil and gas, but not yet proven to be valuable therefor. The said act is limited by its terms to "unappropriated unreserved public land," hence the entries were erroneously allowed.

The act of July 17, 1914 (38 Stat. 509), provides:

"That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; * * *"

The above act applies to all nonmineral laws then in existence, and as a general proposition to those thereafter enacted, but this department has held that it does not apply to the subsequently enacted stock-raising homestead act, because its specific terms are in conflict therewith, in that section 9 provides:

"That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same."

By a circular of instructions approved February 2, 1924 (50 L. D. 261), this department called the attention of local officers to the limitations of the stock-raising homestead act, and directed them to reject all applications to make entry under that act for land withdrawn as valuable for oil or gas. The time required for printing and distributing said circular was such that all local officers were not advised thereof until April 1, 1924. The entries which are recommended for validation were all allowed prior to that date. Good faith is apparent in each case. Moreover, the object of the withdrawal will have been accomplished through the following reservation which is incorporated in all patents issued on entries under the stock-raising homestead act:

"Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove all the coal and other minerals from the same upon compliance with the conditions and subject to the provisions and limitations of the act of December 29, 1916." (39 Stat. 862.)

The proviso to the section excluding from the proposed validation all entries for land within the limits of the geologic structure of a producing oil or gas field is important in that experience has demonstrated that operators in a producing oil and gas field are frequently seriously hampered by the presence of claimants to the surface of the land. However, there are not now any intact entries which will be affected by the proviso.

By letter of even date I have forwarded a copy of this communication to Hon. E. F. Ladd for the information of the Committee on Public Lands and Surveys United States Senate.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1925.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I have the honor to recommend the following amendment to S. 2975, which was passed by the Senate on May 14 (calendar day, May 15), 1924, and, as I am advised, is at present pending for the consideration of your committee.

"SEC. 13. That the Central Pacific Railway Company, upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to lot 1 of section 1, township 16 north, range 22 east, Mount Diablo meridian, in the Carson City, Nevada, land district, under its primary selection list numbered 10, embracing said tract, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral public lands of an equal area situate within any State into which the company's grant extends; and further, that upon the filing of such relinquishment by said railway company, the selection of the tract so relinquished by the State of Nevada in the approved list numbered 13 be, and the same is hereby, validated."

The facts which induce this recommendation are in substance as follows: This lot lies within the primary limits of the grant to the Central Pacific Railway Co. under the acts of July 1, 1862 (12 Stat. 489), and July 2, 1864 (13 Stat. 356).

The company's map of definite location opposite this tract was filed November 14, 1867, and the tract is included in its primary list No. 10, filed July 26, 1895, in the Carson City (Nev.) land office. On July 3, 1894, however, the lot in question was selected by the State of Nevada under the provisions of the act of June 16, 1880 (21 Stat. 287), and through inadvertence the selection was approved to the State June 28, 1895, in approved list No. 13. July 17, 1924, the Commissioner of the General Land Office called on the State to reconvey this tract to the United States. The department is now advised, however, that the State sold this tract February 14, 1902, and that one Paul Pieretti is in present possession, claiming ownership by reason of succession of conveyances. The State's successors in interest thus have been in possession since 1902, have placed valuable improvements on the land, and have cultivated such portions of it as are susceptible of cultivation. The reconveyance of the tract by the State to the United States for the benefit of the railway company would necessarily entail much hardship on the present owner, which, in view of the existing equities, this department wishes, if possible, to avoid. To that end the matter was taken up with the representatives of the railway company, and the department is now in receipt of a communication indicating the company's willingness to relinquish its title and interest to the tract in conflict, provided that it shall be permitted to select an equal area of vacant public land in lieu thereof, and in view of all the circumstances it is believed that the case is one warranting such legislative relief.

By letter of even date I have forwarded a copy of this communication to Hon. E. F. Ladd for the information of the Committee on Public Lands and Surveys, United States Senate.

Very truly yours,

HUBERT WORK

DEPARTMENT OF THE INTERIOR,
Washington, April 5, 1924.

Hon. E. F. LADD,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR SENATOR: I am in receipt of your request of the 3d instant for report on S. 2975, "A bill validating certain applications for and entries of public lands, and for other purposes." In reply thereto you are advised that draft of this bill was submitted to your committee by letter of February 16, 1924, wherein all the material facts warranting this proposed legislation were fully stated.

In view of this fact I have the honor to renew the recommendation therein made, and considering the strong equitable features of the several claims involved it is earnestly hoped that this remedial legislation may receive the favorable consideration of the Congress during the present session.

Very truly yours,

E. C. FINNEY,
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, March 28, 1924.

Hon. E. F. LADD,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR SENATOR: By letter of February 16, 1924, the department transmitted to your committee copy of a proposed bill to validate certain applications for and entries of public land which were thought entitled to legislative relief. The lands involved are located in various public-land States, and considering the equities presented in each claim I am not willing to dispose of the cases without affording Congress an opportunity to consider the propriety of enacting remedial legislation. On the same date a similar draft was submitted to the chairman of the Committee on the Public Lands of the House of Representatives and was introduced by him on February 18 (H. R. 7095), and is now pending for the consideration of that committee. So far as disclosed, however, it does not appear that this proposed legislation has been introduced in the Senate. In view of this fact I now have the honor to recommend the addition of the following paragraph to section 1 of the draft submitted to your committee on the 16th ultimo:

"Homestead entry, Blackfoot, Idaho, numbered naught twenty-eight thousand six hundred and ninety-two, made by Margaret E. Askew (now Margaret E. Tindall) on July 10, 1918, for the north half of section twenty-five, township nine north, range thirty-two east, Boise meridian."

The facts which induce this recommendation are in substance as follows: July 10, 1918, at the Blackfoot, Idaho, land office, Margaret E. Askew (now Tindall) made entry 028692 under the enlarged homestead act of June 17, 1910 (36 Stat. 531), for N. ½, sec. 25, T. 9 N., R. 32 E., Boise meridian (320 acres). Final proof was submitted August 30, 1920, upon consideration of which the local officers advised entry woman that it would be necessary for her to reside on the land for two months more. She returned to the land and resided thereon until October 30, 1920. The Commissioner of the General Land Office, by decision dated July 24, 1922, held that the residence shown was insufficient, and required entry woman to make a further showing of residence or suffer the cancellation of the entry. On appeal, the department advised entry woman that although she was entitled to credit for more than 21 months' residence, the residence was not for seven months each year for three years, and that the final proof could not be accepted. During the first residence year (beginning June 10) the residence amounted to 1 month and 24 days; during the second year, 9 months and 14 days; third year, 6 months and 20 days; and during the fourth year, 3 months and 26 days. Physicians' certificates show that early in 1921 entry woman submitted to a major surgical operation, from which she has not fully recovered, and prevented her from returning to the land during the statutory life of the entry. Forty acres were cultivated, and the improvements are valued at $800.

It being apparent that the entry woman has acted in good faith and in view of the equitable acts above recited, it is believed that the case is one warranting legislative relief as herein recommended.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
Washington, February 16, 1924.

Hon. I. L. LENROOT,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR SENATOR: I have the honor to submit herewith for your consideration draft of a proposed bill for the relief of certain applicants for and entrymen of public lands whose cases I am unwilling to dispose of without directing the attention of Congress briefly to the following facts, which in my judgment entitle them to the relief proposed:

October 24, 1916, Guadalupe D. de Romero made homestead entry 026282 under the provisions of the enlarged homestead act for a tract embracing 320 acres within the Santa Fe (N. Mex.) land district. Final proof was submitted thereon January 4, 1922. Under consideration of such proof the Commissioner of the General Land Office found that while claimant had made sufficient compliance as to cultivation and improvement of the land, the proof upon its face disclosed that the entrywoman had complied with the law as to residence for the first two years only after establishing the same, and that the full statutory period within which three years' residence is required by law to be shown had expired. In support of her appeal from that decision claimant alleged that she had made good-faith endeavor to comply with all the material provisions of the homestead law and had maintained residence on the land until compelled by serious illness to leave same; and that thereafter it had been physically impossible for her to return to the land and reside thereon for the requisite period. From the certificate of her family physician corroborating this statement it appears that claimant is a woman past 70 years of age and that in his belief will never be able to return to her homestead. The improvements placed on the land appear to be substantial and are valued at $800. In view of the equitable facts recited it is believed that the case is one warranting legislative relief as herein recommended.

August 8, 1917, Joseph S. Morgan filed application 017008 under section 7 of the enlarged homestead act of July 3, 1916 (39 Stat. 344), for the SW. ¼, sec. 30, T. 17 S., R. 10 E., as additional to his original patented entry embracing 160 acres of land situate in secs. 23, 24, 25, and 26, T. 17 S., R. 9 E., all in the Las Cruces, N. Mex., land district. The land in both entries having been duly desig-

nated, the local officers allowed his additional entry on April 1, 1921, and on March 4, 1922, claimant submitted final proof in support thereof, which was rejected by the local officers because of the fact that he had not shown the required period of residence upon either the land embraced in his original or additional entries, from which action he appealed to the Commissioner of the General Land Office. In support of said appeal the claimant alleged that he lived on the land embraced in his original entry until 1915, when he sold it and purchased the W. ½ SE. ¼ and NE. ¼ SE. ¼, sec. 30, and NW. ¼ SW. ¼, sec. 29, T. 17 S., R. 10 E. That his additional entry was within 5 miles of his original entry and immediately adjoining the land he had purchased and on which he had continuously resided; that the tract embraced in the additional entry was valuable only for grazing; that he had from 10 to 50 head of stock thereon continuously since the date the entry was allowed, and that his improvements consisted of 1½ miles of woven-wire fencing worth $375.

Claimant accordingly urged that his residence on the original entry and on the land adjoining his additional entry be accepted and that patent issue thereon. The commissioner, however, by decision of September 28, 1922, held that there was no authority of law for the allowance of such proof and accordingly sustained the action of the local officers in rejecting the same. In support of appeal from that decision, Mrs. Morgan advised the department of the death of her husband, and further stated that since the purchase of the land adjoining the additional homestead in 1915 they had erected a substantial 9-room adobe house thereon, piped water from the mountains for their use, and made other substantial improvements to the value of several thousand dollars; that they had substantially improved the land embraced in the original homestead entry and resided thereon for a period of 10 years; that the area embraced in the additional entry and that purchased by her husband was all inclosed with one fence, which they regarded as their additional homestead and home; that residence is now being maintained thereon, and accordingly it was urged that such showing be accepted and that patent be issued on the additional entry. In view of the equitable features as above recited, it is believed the case is one warranting legislative relief authorizing the acceptance of the proof and issuance of the patent thereon as herein recommended.

November 15, 1917, James L. Vickers made an original homestead entry under the act of February 19, 1909 (35 Stat. 639), embracing a tract of 320 acres, and on February 2, 1922, Allie M. Vickers, widow of said deceased homestead entryman was allowed to make an additional entry under the stock-raising homestead act of December 29, 1916 (39 Stat. 862), for a tract embracing 320 acres, all in the Tucumcari (now Clayton), N. Mex., land district. On November 21, 1922, Mrs. Vickers submitted final three-year proof on both of said entries. Upon consideration of same the Commissioner of the General Land Office by decision of April 12, 1923, held that as the original entry of claimant's deceased husband was not a proper basis for an additional entry under the stock-raising homestead law, such additional entry was improperly allowed and was accordingly held for cancellation, but as the final proof showed satisfactory compliance with law as to the original entry the same was accepted and direction given that final certificate issue thereon. In support of her appeal from said decision the entry woman alleges that she made the additional stock-raising homestead entry in good faith in the belief that she was duly qualified and that she was so advised by the local officers upon the allowance of same; that she has complied with the law in every respect in so far as her impoverished condition will allow; that she has resided upon and occupied the original homestead of her husband; that they were both residing thereon at the time of his death; and that in fact continuous residence has been maintained thereon since December, 1917; that her dwelling house, barns, and improvements for a home are all on the original entry; that she has through sacrifice and much hardship placed the necessary improvements on the additional entry as required by law; and that a serious monetary loss will be sustained by her if the proof be not accepted and her additional entry canceled.

The final proof sustains claimant's statement as to continuous residence upon the original entry and shows that 40 acres of same have been cultivated each year and that the remainder of the land has been grazed; that the improvements on that entry are valued at $1,150; and that the entrywoman has placed improvements upon the additional entry of the value of $750. In view of this showing and considering the equitable features of the case, the department advised claimant by letter of July 24, 1923, that direction had been given that final certificate be issued on the original homestead entry and that further action on the additional entry would be suspended and that same would be submitted to Congress for legislative relief as now recommended.

December 11, 1914, James A. Wright made entry under the ordinary provisions of the homestead act embracing 159.56 acres, and July 8, 1916, made an additional entry under section 3 of the enlarged homestead act of February 19, 1909 (35 Stat. 639), embracing 159.40 acres, all in the La Grande, Oreg., land district. It appears that the entire area was duly designated under the provisions of the enlarged homestead act and that claimant submitted final proof in support of the entries on August 2, 1920. This proof disclosed substantial cultivation and improvement of the land valued at $1,000. It was further shown that claimant built a house and established residence therein with his wife and three children in May, 1915; that he continuously resided thereon until November 15, 1915, after which he was absent from the land until May, 1916, in order to earn a living by working elsewhere and also to send his children to school; that the period of residence of each of the subsequent years was substantially the same, and that the periods of annual absence were also for the above-stated reasons.

By decision of June 22, 1923, the Commissioner of the General Land Office found that the showing as to residence was insufficient and accordingly rejected the proof and, as the satutory period had expired, held both entries for cancellation. On appeal therefrom, claimant called attention to the fact that the land was located on the summit of the Blue Mountains at an elevation of about 5,300 feet, as result of which snow falls often to a depth of 8 to 10 feet and covers the ground from about the 1st of November until the latter part of April of each year; that because of this fact he was unable to remain on the land with his family or to perform any work thereon; that his absence each year was for the purpose of earning money with which to make further compliance with the law and also that his children might attend the public schools. The local officers found that the entryman had acted in good faith and had also done everything within his power to comply with the law. Under the facts recited the entryman was entitled to a leave of absence under section 3 of the act of March 2, 1889 (25 Stat. 854), in addition to the period of absence authorized by the act of June 6, 1912 (37 Stat. 123), and in view of the evident good faith, as disclosed by the record, and considering the fact that climatic conditions made it well-nigh impossible for the claimant's family to remain on the land throughout the winter and the satisfactory showing as to cultivation and improvement, it is believed that the case is one warranting legislative relief, and is accordingly so recommended.

April 18, 1918, John Bond made homestead entry embracing 160 acres in the Lamar, Colo., land district, using the enlarged homestead blank (Form 4–003), on which he submitted final three-year proof April 26, 1923. Upon consideration of this proof the local officers rejected same because, as disclosed therein, claimant had made and perfected a prior homestead entry, as result of which he was not qualified to make the entry in question. Accompanying his appeal therefrom Bond filed an application for amendment of his present entry in order to bring same under the provisions of section 7 of the enlarged homestead act as additional to an entry made by him in the Wakeeney, Kans., land district, embracing an area of 160 acres, on which final certificate issued September 13, 1884. It is disclosed by the final proof that claimant, although 80 years of age, established residence on the land about one month after the entry was allowed and has since maintained continuous residence thereon with his family; that he has cultivated 45 acres each year and has placed improvements thereon valued at $400. The Commissioner of the General Land Office, by decision of July 14, 1923, found that while claimant had fully complied with the requirements of the homestead law, the entry could not be allowed to remain intact unless the land embraced in his original homestead entry should be designated under the provisions of the enlarged homestead act. The Geological Survey has declined to recommend such designation because the tract was found to be located in Rush County, Kans., one of the counties barred from the operation of the provisions of the enlarged homestead act under instructions of December 21, 1916 (45 L. D. 585). Under the circumstances the adverse action of the commissioner is warranted, but in view of the equitable features of the case, and as claimant did not attempt to misrepresent the facts, it is believed that the entry should be validated as herein recommended.

June 22, 1918, Mary A. McKee executed before a United States commissioner a homestead application, which was filed in the local land office July 1, 1918, and entry thereon was allowed November 4, 1919, under the provisions of the stock-raising homestead act of December 29, 1916 (39 Stat. 862), embracing a tract of 640 acres in the Montrose, (Colo.) land district. Final proof was submitted thereon March 31, 1923, by her husband, Thomas F. Ryan, as one of the heirs

of the deceased entrywoman, on which final certificate issued April 17, 1923 While the proof showed sufficient compliance with the material requirements of the homestead law, it disclosed for the first time that claimant was married on June 28, 1918, whereas her application to make the entry (executed June 22, 1918) was not filed in the local land office until July 1, 1918, for which reason the Commissioner of the General Land Office by decision of October 5, 1923, found that as the claimant was disqualified to make the entry at the time her application was filed, the same was illegal. Accordingly he rejected the proof and held the entry for cancellation. It appears from the showing made by her husband on appeal from this adverse decision that he was not holding an unperfected homestead entry at the date the application was filed and that the improvements placed on the land, aside from the house, are valued at about $1,000. In view of the fact that the only objection to the entry was caused by the apparent delay of the United States commissioner in forwarding the application to the local land office, it is believed that the claim is one warranting the relief herein recommended.

By letter of December 21, 1922, the Commissioner of the General Land Office transmitted to the department the claim of Joseph Lafond, involving his homestead entry made March 9, 1918, for a tract of land embracing 17 acres in the Cass Lake, (Minn.) land district, with the suggestion that legislation be recommended validating said entry. It appears from the proof offered by claimant in support of this entry that he had made a prior homestead entry on which patent issued in 1885, as result of which he had exhausted his homestead right. The proof shows, however, that claimant had made very substantial compliance with every requirement of the homestead law and that his only absence therefrom was for brief periods during the winter months when he was at work in order to earn money on which to live and further improve the homestead. Considering the equitable features of this case and the small area involved, the department concurs in the suggestion of the General Land Office and recommends that the entry be validated.

October 12, 1901, Peter Peterson made homestead entry 04678, embracing 160 acres of land in the Alliance, Nebr., land district, in support of which commutation proof was offered on which patent issued July 18, 1903. August 25, 1920, he filed application 026690 to make an original stock-raising homestead entry under the provisions of the act of December 29, 1916 (39 Stat. 862), for a tract embracing 121.34 acres, and on the same date also filed an application, 026691, for an additional stock-raising homestead entry under the provisions of that act embracing an area of 240 acres, both within the Douglas, Wyo., land district. In each of these applications claimant described the former homestead entry made by him on which patent had issued. The land having been duly designated the local officers, upon consideration of said applications, allowed same on April 20, 1921.

By decision of May 13, 1922, however, the Commissioner of the General Land Office held claimant's entries for cancellation on the ground that he was not qualified to make an original entry under the stock raising homestead act in view of the fact that he had prior thereto commuted a homestead entry embracing an area of 160 acres, and that because of such invalidity of the original entry it was also necessary to hold for cancellation the additional entry based thereon. In support of his appeal to the department therefrom claimant alleged that in applying to make these entries he had made a complete statement of his commuted homestead entry and that, shortly after being advised of the allowance of such entries, built thereon a frame house 14 by 16 feet, in which he established residence, since maintained in good faith; fenced the entire area with a good barbed-wire fence; cultivated 10 acres to corn and alfalfa; that these improvements are reasonably worth at least $500; that he made these entries in good faith and can ill afford to lose the money spent thereon. Upon consideration of the appeal the department by letter of March 23, 1923, advised claimant that the adverse decision of the commissioner was warranted under the law, but that in view of the fact that he made no attempt to deceive the land department and had acted in apparent good faith, further action on his case would be suspended and that same would be submitted to Congress for legislative relief as herein recommended.

April 30, 1901, Orin Lee made and perfected a homestead entry embracing 160 acres in the O'Neill, Nebr., land district under the provisions of section 2289, Revised Statutes. Thereafter, on December 5, 1907, he made a homestead entry under the provisions of section 3 of the Kinkaid Act of April 28, 1904 (33 Stat. 547), embracing a tract of 160 acres within the Valentine, Nebr., land dis-

trict, on which patent also issued. On December 9, 1921, he filed application to make entry under the provisions of the stock raising homestead act of December 29, 1916 (39 Stat. 862), for the tract in question, embracing 320 acres in the Douglas, Wyo., land district. The land having been duly designated under the provisions of the act, the local officers upon consideration of the application allowed same on December 10, 1921. By decision of November 2, 1922, however, the Commissioner of the General Land Office held that claimant's further right of entry was limited only to an additional stock-raising entry for lands within a radius of 20 miles of either of his two prior entries, and that as his present entry was a greater distance than that from either it was illegal, and accordingly could not be permitted to stand. Upon appeal therefrom claimant stated that prior to making the entry in question he made inquiry of the officials at the local land office, informing them that he had made and perfected the prior homestead entries in Nebraska, and was advised that he was qualified to make such entry under the stock raising homestead act. That relying thereon, he had by contest cleared the land of an abandoned entry, filed application therefor, and upon the allowance of same placed valuable improvements upon the land, established and has since maintained residence thereon; that his improvements are valued at more than $1,000, and that if his entry is now canceled it will "cause me to lose practically all that I have in this world." Upon consideration of the case the department advised claimant by letter of May 21, 1923, that the adverse action of the commissioner was warranted under the law, but that in view of the fact that he had in no way misled the land department, and considering his apparent good faith, further action on his case would be suspended and the same would be submitted to Congress for legislative relief, as herein recommended.

April 18, 1917, patent issued to Robert T. Freeland under his original homestead entry, and also additional entry under the enlarged homestead act for a tract of land embracing 320 acres in the Roswell, N. Mex., land district. On May 11, 1922, the date plat of survey was filed in the Roswell land office, Freeland applied to make entry under the provisions of the stock raising homestead act for the N. ½, sec. 24, T. 5 S., R. 14 E. (320 acres), filing therewith his corroborated affidavit to the effect that he had established residence on the land in January, 1919, and had since continuously resided thereon with his family, and that his improvements consisted of a house of four rooms, a well 715 feet deep, two stock-watering reservoirs, two corrals, shearing sheds, and 2 miles of six-wire fence, which improvements were reasonably worth $13,000. Upon consideration of said application the local officers rejected the same because the land applied for was more than 20 miles distant from that embraced in his patented entries. This adverse action was affirmed by decision of the Commissioner of the General Land Office, from which applicant appealed to the department, filing therewith his corroborated affidavit to the effect that when he settled on the land in question he thought it was within 20 miles of his patented entries. By decision of January 18, 1923, the department found that both the tracts embraced in his patented entries, as well as that now applied for, had been duly designated under the provisions of the stock raising homestead act, and that while Freeland no longer owned the land embraced in the former entries he was qualified to make an additional entry under section 3 of the stock raising act for approximately 320 acres of designated land within a radius of 20 miles therefrom. But that, in view of the fact that the land was more than 20 miles therefrom and considering the explicit provisions of the act in that respect, the department was without authority to waive such limitation. However, considering the apparent good faith of the applicant and the very extensive improvements made by him it was determined to suspend further action thereon for the purpose of submitting the case to Congress for legislative relief, and it is accordingly recommended that the entry be allowed subject to the provisions of the stock raising homestead act as now proposed.

October 13, 1920, Charley N. Barnhart filed application to make entry under the provisions of the stock raising homestead act of December 29, 1916 (39 Stat. 862), for a tract embracing 320 acres, in the Santa Fe, N. Mex., land district. In this application, executed before a United States commissioner, he described two entries that he had made and perfected, but the land in each was described as the same, to wit: "Lots 6 and 7 and the E. ½ SW. ¼, sec. 6, T. 22 N., R. 36 E., New Mexico meridan." The local officers wrote the Clayton, N. Mex., land office, wherein the above lands were located, as to the status of the two entries mentioned by the applicant. The Clayton office replied by notation at the bottom of the letter of inquiry, that both serials described the same land and that the first had been rejected and case closed, whereupon the second applica-

tion had been filed, allowed, and patented. They failed to state, however, that the tract in said section 6 was entered by Barnhart, under section 3 of the enlarged homestead act, and that his original entry embraced the NW. ¼ (or lots 3, 4, 5, SE. ¼ NW. ¼) of said section 6. Apparently, under the impression that claimant was entitled to make an original entry under the stock raising homestead act, the local officers on August 21, 1922, allowed the application. By decision of March 24, 1923, however, the Commissioner of the General Land Office held that Barnhart's right of original entry had been exhausted by his two prior entries, and that his further right of entry under the stock raising act was restricted to an additional entry within 20 miles of his original. Accordingly he was afforded opportunity to show cause why his present entry should not be canceled because of illegality.

In support of his appeal from such adverse decision the claimant filed an affiavit alleging compliance with the provisions of the act under which the entry was allowed, and that he has placed $600 worth of improvements on this land. The present predicament of the entryman appears to be due to the lack of familiarity of the United States commissioner with the provisions of the stock raising act and the failure of the officials of the Clayton land office to give full information in answering the letter of inquiry from the Santa Fe land office. The only defect in the present entry is the fact that the land is more than 20 miles from that embraced in the patented entries. So far as disclosed by the record, it does not appear that Barnhart intended to mislead the officials or to perpetrate a fraud. It is believed, therefore, that the case is one warranting relief as now recommended.

March 7, 1923, Feles Montoya filed in the Santa Fe, N. Mex., land district his homestead application, 046215, for lot 1 and the E. ½ NE. ¼ (134.80 acres), sec. 36, T. 13 N., R. 3 E., and lot 10 (37.35 acres), sec. 31, T. 13 N., R. 4 E., embracing in all 172.15 acres. In support thereof applicant alleged that he had been actually residing upon said land for more than 18 years last past; that he had placed valuable improvements thereon, consisting of two houses, barns, sheds, corrals, fencing, and cultivation; that such cultivation covered some part of each legal subdivision applied for in section 36; that all his improvements were located upon the E. ½ NE. ¼ of that section; and that at the time he settled thereon and made such improvements he had no knowledge that the State or anyone else had any claim thereto.

In view of the facts recited a special agent of the General Land Office was directed to make investigation, and his report based thereon confirms the claimant's statement as to residence upon, improvement, and cultivation of the land, and that prior to making settlement thereon claimant employed a surveyor to locate the lines and was assured that the land on which he was about to settle was all located in T. 13 N., R. 4 E. The public land in that township was not surveyed until May, 1921, the plat being approved on October 15, 1921, but T. 13 N., R. 3 E., was surveyed in 1881, the plat being approved on September 21 of that year. As Montoya's settlement was initiated subsequent to 1881, it is apparent that he has no legal claim to the tract embraced in said section 36, but in view of the very substantial improvements above recited, the attention of the commissioner of the State land office of New Mexico was called thereto with view to ascertaining whether claimant's equities might not be protected. In reply thereto the department is advised that no objection will be offered to remedial legislation validating this application in the event authority is given the State to select in lieu thereof an equal area (134.80 acres) of surveyed, nonmineral, unappropriated, and unreserved public land as now recommended.

January 31, 1917, Clyde R. Hiatt applied at the Montrose, Colo., land office to make entry under the stock-raising homestead act of December 29, 1916 (39 Stat. 862), for lots 5 to 20, inclusive, sec. 1, T. 48 N., R. 8 W., New Mexico meridian (640 acres). The application was suspended to await action on the petition for designation. The land having been designated, the application was allowed November 24, 1919. In the meantime Hiatt had, on September 18, 1917, enlisted in the United States Army. He reached Camp Funston on the following day. Subsequent prophylactic inoculations for typhoid brought to light the existence of chronic parenchymatous nephritis, and he was taken to the hospital at Camp Funston on October 17, 1917, from which he was removed to the base hospital at Fort Riley on October 20, 1917. One of his sisters was advised of his condition, and at her request he was honorably discharged on November 10, 1917. He died at Pueblo, Colo., on November 19, 1917. The heirs of entryman are three sisters, who are unable to make the improvements required by the stock-raising homestead act. If entryman's sister had not pre-

vailed on the commanding officer to discharge the soldier, the entry could have been perfected by the legal representatives under section 2 of the act of July 28, 1917 (40 Stat. 248), without making any showing other than the death of the soldier. Inasmuch as the soldier was discharged because his commanding officer realized that his death was imminent, I am of opinion that the surviving sisters should be afforded the relief proposed.

May 21, 1921, upon the filing of the township plat of survey in the Roswell, N. Mex., land office, Hiram Williams made entry (049024) under section 2289, Revised Statutes, for lots 13 and 14 and E. ½ SW. ¼ sec. 6, T. 18 S., R. 17 E., New Mexico meridian (167.66 acres), and on the same day applied to make an additional entry under the stock-raising homestead act of December 29, 1916 (39 Stat. 862), for lots 5 to 12, inclusive, and SE. ¼ sec. 6, said township (490.13 acres). By decision dated June 14, 1923, the Commissioner of the General Land Office held the entry for cancellation and the application to make additional entry for rejection because Williams had on April 6, 1881, made a homestead entry for 160 acres at the Springfield, Mo., land office, under which patent issued June 22, 1888. Williams appealed to the Secretary of the Interior, and under date of September 12, 1923, he was advised that the decision of the commissioner was correct, but that under the facts disclosed action on the appeal would be suspended and the facts reported to Congress with appropriate recommendation. It appears that some of Williams's old Missouri neighbors had advised him that they had been allowed to make further entries if their first entry had been made prior to August 30, 1890. He wrote to the local officers at Roswell, stating his case and asking if he was qualified to make a further entry. The local officers answered his question by marking a circular and sending it to him. He studied the circular and reached the conclusion that as the Springfield entry was made prior to August 30, 1890, he was qualified. In April, 1907, he settled on the land and has been there ever since. He cultivated 55 acres for several years, but since then only 10 to 15 acres have been planted to forage crops, the remainder of the land having been used for grazing. The improvements are valued at about $2,000. Williams is now about 69 years of age. In applying to make entry he set forth the making of the prior entry at Springfield, Mo. In view of the apparent good faith of Williams and of his residence on the land for over 16 years, together with the valuable improvements, it is recommended that the relief proposed be granted.

The fractional W. ½ NW. ¼ and the fractional NW. ¼ SW. ¼ of sec. 18, T. 28 N., R. 6 W., fourth principal meridian, Wisconsin, has been segregated on the records of the local land office since May 24, 1856, as embraced in the location of a military bounty land warrant by one Gibbs. The warrant, it appears, was withdrawn by Gibbs, and after his death was assigned by the executor of his estate to one Patrick, who located it on other lands, a patent later issuing thereunder. According to abstracts of title on file, the fractional W. ½ NW. ¼ (66.58 acres) is claimed by Nicolas and Veronica Theisen, who, on May 9, 1922, purchased the tract from Edgar and Arthur Albrecht, who hold a mortgage for $2,500. The fractional NW. ¼ SW. ¼ (33.72 acres) is claimed by Jerry S. Jerabek under a warranty deed from Will Clark, who holds a mortgage for $2,750. The various parties base their claims on deeds by the county of Chippewa and State of Wisconsin to Francis W. Woodward, who purchased the tracts at a sale for taxes on May 8, 1866. The present occupants of the land having purchased it in the belief that a patent had issued under the location by Gibbs of a military bounty land warrant, I recommend that the relief proposed be granted. The issuance of a patent to said Woodward will have the effect of vesting the title in the present occupants of the land, and will protect the holders of the purchase-price mortgages. The occupants of the land and the mortgagees will be accorded an opportunity to arrange for the payment of $1.25 per acre if the legisation recommended is enacted into law.

At the Lakeview, Oreg., land office, on September 2, 1913, Robert Zullig made entry under the enlarged homestead act of February 19, 1909 (35 Stat. 639), for SE. ¼ sec. 14, and NE. ¼ sec. 23, T. 26 S., R. 18 E., Willamette meridian (320 acres), filing therewith a triplicate of his declaration of intention to become a citizen of the United States, issued June 27, 1908. Final proof was submitted April 2, 1917, showing satisfactory compliance with the requirements of the homestead law about four years and the presence of improvements valued at $1,400. Final certificates issued April 12, 1917. By decision dated August 31, 1917, the Commissioner of the General Land Office held the final proof for rejection and the final certificate for cancellation because evidence of naturalization had not been filed. A citizen of California later wrote to the department, and

he was advised that action on the entry would be suspended and relief by Congress recommended. It appears that Zullig was convicted of having murdered his wife, and was received at the Oregon State Penitentiary on June 11, 1919, to serve a sentence of from 7½ to 15 years; that he escaped from the penitentiary on August 30, 1921, and that he has not been recaptured. Two children were born to the couple—Lukas, on September 14, 1914, and Max, on March 21, 1916. Patent can not issue to entryman because he has not been admitted to citizenship. It is therefore recommended that the land department be authorized to issue a patent under the entry to the infant children of entryman.

At the St. Stephens, Ala., land office, on January 5, 1855, Abraham S. Woodcock applied to purchase the SE. ¼ SE. ¼ sec. 23, T. 3 N., R. "2" E., St. Stephens meridian. The certificate issued by the register described the land as in R. "3" E. Later, at a date I am not now able to fix, the certificate was corrected to read "2" E., but the entry was canceled June 20, 1884, because of conflict with an entry patented November 25, 1835. It was later disclosed that Woodcock intended to enter land in R. "2" W., St. Stephens meridian. The mistake of the register in the issuance of the certificate resulted in the transfer to an innocent purchaser of SE. ¼ SE. ¼ sec. 23, T. 3 N., R. 3 E., St. Stephens meridian, and subsequent transfers of the tract were made, the last one being to the present claimant, Y. Charles Earl, on March 9, 1901. Because of the equities, it is recommended that said Earl be granted the relief proposed.

July 2, 1857, at the Clarksville, Ark., land office, George W. Hayes located military bounty land warrant No. 81061, act of 1855, 120 acres, on SW. ¼ NW. ¼ sec. 23, SE ¼ NE. ¼ and NE. ¼ SE. ¼ sec. 22, T. 1 N., R. 19 W., fifth principal meridian. Patent issued May 10, 1882. The location was posted on the records of the local office as covering the SW. ¼ "SW." ¼ sec. 23, and the other subdivision in section 22. The posting was corrected about 1877. In the meantime the SW. ¼ SW. ¼ said section 23 was listed for taxation, and was forfeited for nonpayment of the taxes levied for the years 1869 and 1870, being sold to J. H. Rogers. The tract was later conveyed by Rogers to Lee Jordan and Howard Cook, who on July 20, 1920, conveyed it to the Sabine Lumber Co. for a valuable consideration. The various claimants have paid taxes on the tract for many years. In view of the equities, it is recommended that the present claimant be allowed to purchase the 40 acres at private sale at $1.25 per acre.

By letter of even date I have forwarded a similar communication and recommendation to the chairman of the Committee on the Public Lands, House of Representatives.

Very truly yours,

HUBERT WORK, *Secretary.*

THE SECRETARY OF THE INTERIOR,
Washington, April 11, 1924

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. SINNOTT: By letter of February 16, 1924, the department transmitted copy of a proposed bill to validate certain applications for and entries of public lands which were thought entitled to remedial legislation (H. R. 7095). I now have the honor to recommend the addition of the following paragraph to section 1 of that bill:

"Homestead entry Missoula, Montana, numbered 08533, made by Hudson L. Mason on August 24, 1920, for lots 1, 2, 3, 4, 5, and 6, and south half of the northwest quarter, southwest quarter of the northeast quarter, northwest quarter of the southeast quarter, and northeast quarter of the southwest quarter, section 1, township 7 south, range 15 west, Montana principal meridian."

The facts which induce this recommendation are in substance as follows:

On December 9, 1915, claimant made and perfected a homestead entry embracing 160 acres of land in the Broken Bow, Nebr., land district, on which patent issued April 24, 1919. Thereafter on August 24, 1920, he was permitted to make the entry above dscribed containing 463.53 acres under the provisions of the stock-raising homestead act on which final proof was submitted on November 20, 1923. Upon consideration of this proof the Commissioner of the General Land Office by letter of March 31, 1924, found same satisfactory as to residence, improvements, and use of the land but held that as claimant had made and perfected the former entry embracing 160 acres of land he had exhausted his homestead right, but that as the facts relating to the making of the former entry were fully

recited by the claimant in his application to make the stock-raising homestead entry, it was suggested that recommendation be made to Congress for legislation for the relief of the entryman. The department by letter of April 5, 1924, concurred in the finding of the General Land Office that the proof was in all respects satisfactory; that improvements valued at $975 had been placed on the land; and that as claimant at no time attempted to deceive this department as to his qualifications to make the entry in question, he was advised that further action on his appeal would be suspended and that same would be submitted to Congress for legislative relief as now recommended.

* * * * * * *

Very truly yours,

HUBERT WORK.

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